

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF
DAVID NELSON DODD
TO PRACTICE AS A
RADIOLOGY TECHNOLOGIST
IN THE STATE OF UTAH

:
:
: ORDER REINSTATING LICENSE
:
:
: Case No DOPL-2007-120
:

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth
in the Division's Stipulation and Order, dated May 25, 2007, in the
above-referenced case.

IT IS HEREBY ORDERED the probation on the license of DAVID
NELSON DODD to practice as a radiology technologist is terminated
and said license be reinstated with full privileges effective the
date of this Order.

Dated this 6 day of April, 2009.

F. David Stanley
F. David Stanley
Division Director



BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF	:	
DAVID NELSON DODD	:	AMENDED ORDER
TO PRACTICE AS A RADIOLOGY TECHNOLOGIST	:	Case No.
IN THE STATE OF UTAH	:	DOPL-2007-120
	:	


BY THE DIVISION.

The Division's Stipulation and Order, dated May 25 2007, in the above-referenced case is hereby amended as follows:

IT IS HEREBY ORDERED the probationary condition requiring Respondent to meet with the Board on a quarterly basis is amended to require meetings with the Board only two times a year during the remainder of his probationary period.

All other conditions and restrictions in the May 25, 2007 Stipulation and Order shall remain the same and in effect.

Dated this 13 day of October, 2008.


F David Stanley
Division Director

L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
Commercial Enforcement Division
Heber M Wells Building
Box 146741
Salt Lake City, UT 84114-6741
Telephone (801) 366-0310

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)	
DAVID NELSON DODD)	STIPULATION AND ORDER
TO PRACTICE AS A)	
RADIOLOGY TECHNOLOGIST)	CASE NO DOPL 2007-- 120
IN THE STATE OF UTAH)	

DAVID NELSON DODD ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Radiology Technologist Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts are true

- a Respondent is licensed to practice as a physician assistant and to administer and prescribe controlled substances in the State of Utah On or about November 30, 2005 Respondent entered into a Stipulation and Order in DOPL Case No 2005-52, a copy of which is attached and incorporated by reference into this Stipulation and Order as Exhibit A, whereby Respondent admitted to unprofessional and unlawful conduct Respondent's licenses to practice as a physician assistant and to administer and prescribe controlled substances were revoked The revocation of Respondent's license to practice as a physician assistant was immediately stayed and placed on probation for a period of five years Respondent's license to prescribe and administer controlled substances is still revoked

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8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(d), and unlawful conduct as defined in Utah Code Ann § 58-1-401(2)(a), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-402(2)(a) Respondent agrees that an Order, which constitutes disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's license shall be subject to a term of probation for a period of four years The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order During the period of probation, Respondent shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - a Respondent shall meet with the Board within thirty (30) days of the signing of this Stipulation and Order Respondent shall then meet with the Board and Division on a quarterly basis or at such other greater or lesser frequency as determined by the Board and Division for the duration of the Stipulation and Order Respondent agrees to meet with an assigned staff member prior to the first Board meeting
 - b Respondent shall work as a radiology technologist only under the direct supervision of another radiology technologist in good standing with the Division
 - c Respondent shall notify the Board and Division in writing within one (1) week of any change of employer, employment status, or practice status This notification is required regardless of whether Respondent is employed in Respondent's profession
 - d If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new

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state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order

- e If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.
- f Respondent shall maintain a current license at all times during the period of this agreement.
- g Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.
- h Respondent shall comply with all terms and conditions set forth in Exhibit A. The period of Respondent's administrative probation with regard to Respondent's radiation technology license shall be extended until the probation in regard to Respondent's physician assistant license is successfully completed.
- i In the event Respondent does not practice as radiology technologist for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.
- j Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board on

a quarterly basis. The receipt of an unfavorable report from an employer may be considered to be a violation of the terms of this Stipulation and Order. If the Respondent is not employed as a radiology technologist, Respondent shall submit the required employer report form to the Board on the date it is due and indicate on that form that Respondent is not currently employed in Respondent's licensed occupation or that Respondent is not currently working.

- k Respondent shall provide to Respondent's employer(s) a copy of this Stipulation and Order and cause each employer to acknowledge to the Board in writing that a copy of this Stipulation and Order has been provided to the employer.

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice of radiation technology. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

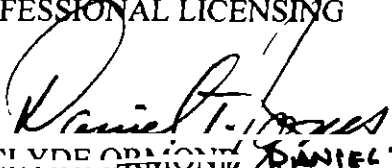
12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 *If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction*

14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

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DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY


CLYDE ORMOND DANIEL T. JONES
Bureau Manager

RESPONDENT

BY


DAVID NELSON DODD

DATE

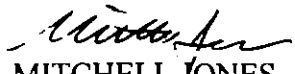
24 May 2007

DATE

May 24, 2007

MARK L SHURTLEFF
ATTORNEY GENERAL

BY


L MITCHELL JONES
Counsel for the Division

DATE

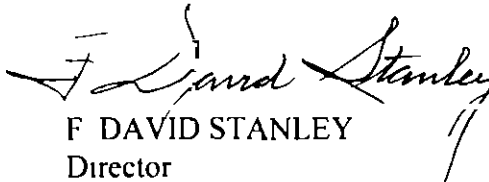
24 May 2007

ORDER

THE ABOVE STIPULATION, in the matter of **DAVID NELSON DODD**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 25 day of May, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director

Investigator: Clyde Ormond